

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

LIBERTARIAN PARTY OF
NEW HAMPSHIRE, et al

Plaintiffs,

v.

GOVERNOR CHRISTOPHER T.
SUNUNU, Governor of the State of
New Hampshire, in his official capacity,

And

WILLIAM M. GARDNER, Secretary of
State of the State of New Hampshire,
in his official capacity,

Defendants.

Civil No. 1:20-cv-00688-JL

STATEMENT OF UNDISPUTED FACTS

1. In New Hampshire, a candidate for office can secure placement on the General Election ballot by (1) being the nominee of a state recognized party, (2) being the nominee of a state recognized political organization, or (3) submitting “nomination papers” which must be signed by registered New Hampshire voters.

2. Candidates for President, United States Senator or Governor must submit nomination papers signed by 3,000 registered voters, 1,500 from each of New Hampshire’s congressional districts. RSA 655:42.

3. Candidates for United States Representative must submit nomination papers signed by 1,500 registered voters from that district. *Id.*

4. Each nomination paper must be signed by a person registered to vote who has not signed the nomination paper for any other candidate for the same office.

5. Nomination papers must be certified by the supervisors of the checklist of the town or ward where the signer is a registered voter, and accepted by the Secretary of State.

6. The individual plaintiffs in this action, candidates of the Libertarian Party, seek ballot access through the collection of nomination papers.

7. Plaintiffs Jo Jorgenson, Darryl Perry and Justin O'Connell each must submit 3,000 signed nomination papers in order to be put on the 2020 ballot. *Id.*

8. Plaintiffs Andrew Olding and Zack Dumont must submit 1,500 signed nomination papers in order to be put on the 2020 ballot. *Id.*

9. A nomination paper can list more than one candidate, meaning that the same voter can sign one nomination paper for multiple candidates.

10. In 2020, candidates have from January 1, 2020 until August 5, 2020 to submit nomination papers.

11. On February 11, 2020, over 432,000 New Hampshire voters voted at their polling places in the presidential primary.

12. LPNH collected approximately 375 signatures during January and February, primarily at voting locations on the day of the New Hampshire primary.

13. On March 13, 2020, Governor Sununu issued an Executive Order declaring a state of emergency in New Hampshire due to the novel coronavirus.

14. Governor Sununu has extended the state of emergency through the present.
15. On March 26, 2020, Governor Sununu issued Emergency Order #17, known as the Stay at Home Order.
16. The nominating convention for Libertarian Party presidential and vice presidential candidates occurred between May 21-24, 2020.
17. LPNH intended to focus its signature gathering efforts in the spring – after the convention – and summer months.
18. As of June 15, 2020, the Governor’s “Stay at Home” Emergency Order expired.
19. On June 16, 2020, Governor Sununu issued Emergency Order 52, known as the Safer at Home order.
20. On June 27, 2020, LPNH posted a request on Facebook for volunteers to assist in signature gathering.
21. As of July 7, 2020, LPNH has gathered 803 nomination papers for state candidates and 426 for federal candidates.
22. LPNH has collected additional signatures that LPNH has not yet verified.
23. The plaintiffs filed this action on June 8, 2020.

Respectfully submitted,

CHRISTOPHER T. SUNUNU,
GOVERNOR OF THE STATE OF NEW
HAMPSHIRE

and

WILLIAM GARDNER,
NEW HAMPSHIRE SECRETARY OF
STATE

By their attorneys,

GORDON J. MACDONALD
ATTORNEY GENERAL

July 16, 2020

/s/ Daniel E. Will

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AND

Libertarian Party of New Hampshire

By Its attorneys,

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July 16, 2020

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CERTIFICATE OF SERVICE

I, Daniel E. Will, hereby certify that a copy of the foregoing statement of undisputed facts was sent via the court's e-filing system to H. Jonathan Meyer, Esquire, counsel for the Plaintiffs.

July 16, 2020

/s/ Daniel E. Will
Daniel E. Will